

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 22, 1979
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmember Cooke, Mayor Pro Tem
Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino

Absent: None

The Invocation was delivered by Reverend George Ricker, Pastor of
University Methodist Church.

RIVERBOAT COMMODORE

A Resolution, signed by the Mayor and all Councilmembers was presented to Commodore and Mrs. Marion Fowler in recognition of their contribution to the uniqueness of the City of Austin by building and operating the Riverboat Commodore on the waters of Lake Austin for 30 years. Mrs. Fowler thanked Mayor McClellan and Council for the resolution and invited them, and their families for a ride on the Commodore Sunday, March 25, 1979.

AUSTIN SPORTSFEST WEEK

March 23 through April 8, 1979, has been proclaimed Austin Sportsfest Week, according to a proclamation read by Mayor Pro Tem Goodman. Bill O'Connell, Chairman of the Sportsfest, and David Sheppard, Vice Chairman, thanked the Mayor and Council for the proclamation.

SOCIAL SECURITY DAY

A proclamation was presented to Shirley Praytor, Operations Officer, Austin Social Security Office, designating March 27, 1979, as Social Security Day. Ms. Praytor, who said she was accepting the Proclamation on behalf of R. T. Hargrove, Manager, Austin Social Security Office and its 100 employees, thanked the Mayor and Councilmembers.

AREA 13 SPECIAL OLYMPICS DAY

Mayor McClellan read a proclamation designating March 24, 1979, as Area 13 Special Olympics Day. Ms. Donna Brasher, Austin Parks and Recreation Department, thanked the Mayor and Council for the proclamation. Four participants in the Special Olympics were also present to accept the proclamation. They were Toby Roby, Craig Whitaker, Laz Camacho and Paula Rodriguez.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes for March 15, 1979. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers Himmelblau, Snell, Trevino

Noes: None

Abstain: Councilmember Mullen

BOARDS AND COMMISSIONS

Mayor McClellan announced that the following Boards and Commissions appointments will be made March 29, 1979:

Wrecker Standards Commission - 2
On-Going of Goals Committee - 3
Dental Health Advisory Committee - 9
Library Commission - 7
Elisabet Ney Museum - 7
Commission on the Status of Women - 1
Building Standards Commission - 1
Citizens' Board of Natural Resources and Environmental Quality - 1
Community Development Commission - 6
Energy Conservation Commission - 1

She also announced that selections for membership on the Renewable Energy Resources Commission will be made April 12, 1979.

SALE OF SURPLUS CITY-OWNED REAL PROPERTY

Mayor Pro Tem Goodman moved that the Council adopt a resolution to approve the sale of surplus city-owned real property located at 505 West 15th Street (Edsom M. Ingram, \$36,518.00). The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

EASEMENT RELEASE

Mayor Pro Tem Goodman moved that the Council adopt a resolution to release the following easement:

A portion of a five (5.00) foot Public Utility Easement out of Lot 6, Block D, Rutland Village Section Two. (Requested by Mr. Don Wylie, Agent.)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

CONTRACTS APPROVED

Mayor Pro Tem Goodman moved that the Council adopt a resolution to approve the following contract:

CLARENCE CULLEN COMPANY Rt. 1, Box 182 Buda, Texas	- Weed Lot Clearance Program, Health Department Twelve (12) Month Contract - Est. \$47,600.00
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The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

Mayor Pro Tem Goodman moved that the Council adopt a resolution to approve the following contracts:

Bid Award:	- Water Meters and Meter Parts, Water & Wastewater Utility Department Twelve (12) Month Supply Agreement
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ROCKWELL INTERNATIONAL 5155 Blalock Drive Houston, Texas	- Items 1-9, 11, 15-19, 21, 25 - \$206,441.00
BADGER METER COMPANY 5622 Dyer Dallas, Texas	- Items 6, 10, 11, 15, 17, 20, 25 - \$4,969.71
NEPTUNE METERS COMPANY 2512 Program Drive, Suite 103 Dallas, Texas	- Items 6, 11, 15, 17, 25 - \$2,550.00
HERSEY PRODUCTS, INC. 8383 Stemmons Freeway Dallas, Texas	- Items 6, 11-15, 17, 22, 24, 25 - \$23,031.00

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

Mayor Pro Tem Goodman moved that the Council adopt a resolution to approve the following contract:

HOUSTON WIPER 9800 Market Street Houston, Texas	- Rain Suits-Hooded, Purchases and Stores Department Item 1 - \$7,950.00
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The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

Mayor Pro Tem Goodman moved that the Council adopt a resolution to approve the following contract:

GOLDTHWAITES OF TEXAS 10751 Sentinel San Antonio, Texas	- Riding Lawnmower, Parks and Recreation Department Item 1 - 2 ea. - \$9,150.00
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The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

Mayor Pro Tem Goodman moved that the Council adopt a resolution to approve the following contract:

SOUTHWIRE COMPANY
c/o Techline, Inc.
8750 Shoal Creek
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Change Order for Additional Electric
Utility Transmission Line Conductor,
Items 1 & 2 - 57,857 lbs. & \$0.5021/lb.
Total \$29,050.00

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan

Noes: None

Mayor Pro Tem Goodman moved that the Council adopt a resolution to approve the following contract:

JOE W. GAULT CONDUIT CONSTRUCTION
15611 Delahunty Lane
Pflugerville, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Construction of an "Electric Conduit
System at Convict Hill, Section II -
\$22,065.00

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan

Noes: None

Mayor Pro Tem Goodman moved that the Council adopt a resolution to approve the following contract:

MOTOROLA, INC.
7719 Wood Hollow
Austin, Texas

- Pagers, Emergency Medical Services -
Items 1 & 2 - \$5,406.00

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan

Noes: None

Mayor Pro Tem Goodman moved that the Council adopt a resolution to approve the following contract:

Bid Award:

- Annual Purchase of Tractors & Mowers,
Vehicle & Equipment Services Department

LANFORD EQUIPMENT COMPANY
830 Airport Boulevard
Austin, Texas

- Items AG-1, AG-2 and AG-4 -
\$42,278.79

AUSTIN FORD TRACTOR
6600 East Ben White
Austin, Texas

- Items AG-3 - \$2,200.00

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

TEMPORARY STREET CLOSINGS

Mayor Pro Tem Goodman moved that the Council adopt a resolution to temporarily close the 2400 block of Pearl Street from 24th to 25th Street, from 2:00 p.m. to 7:00 p.m., April 6, 1979 as requested by MR. JOE YOUNG III of Sigma Alpha Epsilon Fraternity. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

Mayor Pro Tem Goodman moved that the Council adopt a resolution to temporarily close 14th Street from 5:30 p.m. to 12:00 p.m. on April 6, 7, and 8, and from 6:00 p.m. to 12:00 p.m. on April 7 and 8, 1979. Additionally close 13th Street and Trinity Street from 6:00 p.m. to 12:00 p.m. on April 6, 7 and 8, 1979 as requested by Austin Parks and Recreation Department - Co-sponsor of Waterloo Festival; also temporarily close 13th and San Jacinto, April 7, 11:45 a.m. to 12:30 p.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

Mayor Pro Tem Goodman moved that the Council adopt a resolution to temporarily close the sidewalk area and parking lanes only in the 200 through the 600 block of East 6th Street on the north and south curbs from 5:00 a.m. to 10:00 p.m., April 14 and 15, 1979, as requested by MARCY FLETCHER and MICHAEL WOLVERTON of the Old Pecan Street Association. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

AID FOR SELECTION OF HEALTH DEPARTMENT DIRECTOR

Mayor Pro Tem Goodman moved that the Council adopt a resolution to authorize a contract with Korn-Ferry International to assist in selecting a Director for the Austin-Travis County Health Department. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
 Noes: None

MEDICAL ASSISTANCE PROGRAM

Mayor Pro Tem Goodman moved that the Council adopt a resolution to authorize a contract with Texas Pharmaceutical Education and Research Foundation to administer pharmacy services for the Medical Assistance Program clients. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
 Noes: None

Mayor Pro Tem Trevino asked that the staff present a quarterly report on the number of prescriptions filled monthly.

PARKING METER ZONES

Mayor Pro Tem Goodman moved that the Council adopt a resolution to authorize the following parking meter zones:

<u>DELETE</u>	<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>BLOCK</u>	<u>SIDE</u>
30/60/90/120	E. 10th	San Jacinto	Trinity	300	North/South
<u>ADD</u>					
15/30	San Jac.	E. 8th	E. 9th	800	East
15/30	Trinity	E. 8th	E. 9th	800	West
30/60/90/120	E. 10th	San Jacinto	Trinity	300	North
30/60	E. 10th	San Jacinto	Trinity	300	South

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
 Noes: None

PUBLIC HEARING SET ON CDBG APPLICATION

Mayor Pro Tem Goodman moved that the Council set a public hearing for April 19, 1979, at 6:15 p.m. for the purpose of obtaining the views of citizens on the proposed Community Development Block Grant Application. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

AGENDA ITEM POSTPONED

Mayor Pro Tem Goodman moved that the Council postpone until March 29, 1979, approval of a District Agreement relating to the consent of the City to the creation of the Davenport Ranch Municipal Utility District No. 1. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

WATERLOO FESTIVAL

Mayor Pro Tem Goodman moved that the Council approve the request of MS. VICKI RONA, Austin Women's Symphony League, for permission to use Waterloo Park April 6, 7 and 8, 1979. for the Waterloo Festival. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

SETTING PAVING HEARINGS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:00 O'CLOCK A.M. ON THE 10TH DAY OF MAY, 1979, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND

TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Duval Street, C.I.P. No. 76/62-10)

Mayor Pro Tem Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:00 O'CLOCK A.M. ON THE 10TH DAY OF MAY, 1979, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Stasney Lane, Phase 1, C.I.P. No. 73/62-30)

Mayor Pro Tem Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

DISCHARGE OF AIR GUNS, AIR RIFLES
AND B.B. GUNS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 23 OF THE AUSTIN CITY CODE OF 1967, BY AMENDING SECTION 23-1 TO PROHIBIT THE DISCHARGE OF AIR GUNS, AIR RIFLES AND OTHER SIMILAR DEVICES; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen,
Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCE

Mayor McClellan brought up the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 35.71 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Mayor Pro Tem Goodman moved that it be passed to its third reading. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen,
Snell, Mayor McClellan, Councilmember Cooke

Noes: None

Abstained: Councilmember Trevino

The Mayor announced that the ordinance had been passed through its second reading only.

AGENDA ITEM POSTPONED

Mayor Pro Tem Goodman postponed until April 5, 1979, the second reading of ordinance establishing a procedure for implementing departmental rules, guidelines, standards, and specification promulgated pursuant to: (a) The Comprehensive Plan; or (b) Any ordinance creating rule-making responsibility which is adopted in accordance with the Comprehensive Plan. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen,
Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

CHARTER SERVICE FRANCHISE

Mayor McClellan brought up the following ordinance for its second reading:

AN ORDINANCE GRANTING TO TRANSPORTATION ENTERPRISES, INCORPORATED, A FRANCHISE FOR FIVE YEARS TO OPERATE AND MAINTAIN A LIMITED CHARTER BUS SERVICE FOR TRANSPORTATION OF PERSONS UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF AUSTIN, TEXAS, PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CHARTER OF THE CITY OF AUSTIN, AND THE CODES AND ORDINANCES OF THE CITY OF AUSTIN.

The ordinance was read the second time, and Mayor Pro Tem Goodman moved that it be passed to its third reading. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen,
Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been passed through second reading only.

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOTS 31 AND 32, COLLEGE COURT ADDITION, LOCALLY KNOWN AS 503-505 BELLEVUE PLACE; FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (William Carlisle, C14-68-142)

Mayor Pro Tem Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen,
Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 0.47 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1505 WEST 6TH STREET, 1507 WEST 6TH STREET, AND 509 POWELL; FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C. M. Builders, Inc., C14-78-227)

Mayor Pro Tem Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Himmelblau, Snell, Trevino, Mayor McClellan,
Councilmember Cooke

Noes: None

Abstain: Mayor Pro Tem Goodman, Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

AN 8.255 ACRE TRACT OF LAND, LOCALLY KNOWN AS 6813-7121 SOUTH CONGRESS; FROM "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (R. W. Ellmer, J. Tim Brown and Richard R. Brown, C14-78-168)

Mayor Pro Tem Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen,
Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

THE EAST 60 FEET OF THE SOUTH 150 FEET OF LOT 1, OUTLOT 78, DIVISION D, LEE SUBDIVISION, LOCALLY KNOWN AS 500 WEST 38TH STREET; FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Errol Young, C14-78-150)

Mayor Pro Tem Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Goodman, Councilmembers Mullen, Trevino,
Mayor McClellan, Councilmember Cooke

Noes: None

Abstain: Councilmembers Himmelblau, Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 2.72 ACRE TRACT OF LAND, SAVE AND EXCEPT THE SOUTHEASTERNMOST 15 FEET WHICH IS HEREBY ZONED FROM "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, LOCALLY KNOWN AS 2527-2605 WESTERN TRAILS BOULEVARD; FROM "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (David W. Drapela, C14-78-234)

Mayor Pro Tem Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Himmelblau, Snell, Trevino, Mayor McClellan,
Councilmember Cooke

Noes: None

Abstain: Mayor Pro Tem Goodman, Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

AMPLIFIED SOUND ORDINANCE

Council had before it for consideration an amendment to the Amplified Sound Ordinance. Mr. Harris, City Attorney, said this would add an amendment to the Amplified Sound Ordinance that would apply only to that portion of West 23rd Street between Guadalupe and San Antonio Street. In this area you could get a sound permit to use the devices from 10:00 a.m. to 8:00 p.m., generally, like any other place. However, if the Vending Commission and all churches within 300 feet of the area approved, then you could have amplified sound for two additional hours, until 10:00 p.m. Councilmember Himmelblau asked if it could be further amended so the fraternities and sororities effected, as well as the residential area would need to approve. Mr. Harris said they could write an additional foot area which would encompass them. Mayor McClellan said she is not convinced the sound ordinance should be amended at all.

MS. JENNIE ARNOLD, representing Pi Phi sorority, said there are 126 girls residing in the sorority house in the proposed area and they are opposed to the sound ordinances and street dances, because it prohibits their study. She said the street parties get rowdy and the girls who live in the area are frightened to be near the street. She contended the amplified sound should end at 8:00 p.m. and asked Council to deny the ordinance amendment.

MS. MARTHA MCKENZIE read a letter from BETTY PHILLIPS, of Save our University Neighborhood Association. The letter approved limited extension from the 8:00 p.m. limit; each extension should be approved by Drag Vending Commission following a public hearing with notification to neighbors and churches and neighborhood associations; limited use of the extension; use only on Friday and Saturday nights.

MS. MARY LOU DOWNING, member of the sorority alum group, pointed out to Council that the sorority house is private housing for the girls and that they are against sound amplification in the area.

MR. MIKE KLEINMAN, who had requested the extension, spoke in favor of same.

Councilmember Trevino brought out the point that this amendment, if approved, would constitute a selective ordinance, and Council has been told time and time again that they should not have selective ordinances. They set a precedent and might come up as an argument in a future issue. Mayor McClellan agreed that once you extend the sound ordinance in one place a precedent is set. Further discussion ensued and the following motion was made:

Motion - Failed

Mayor Pro Tem Goodman moved that the Council pass the ordinance as proposed by the Legal Department; that the extensions only be allowed Friday and Saturday nights with a public hearing with notification and final approval by the Drag Vending Commission. The motion was seconded by Councilmember Trevino.

Friendly Amendment - Accepted

Councilmember Himmelblau offered a friendly amendment that the residents in the area shall also be included in the screening process. Her friendly amendment was accepted.

Roll Call on Motion with Friendly Amendment - Failed

Ayes: Councilmember Snell, Trevino, Mayor Pro Tem Goodman
Noes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen

TEMPORARY STREET CLOSING

Mayor Pro Tem Goodman moved that the Council adopt a resolution to temporarily close West 23rd Street from Guadalupe to San Antonio Street, from 11:00 a.m. to 11:00 p.m., March 30, March 31 and April 1, 1979, as requested by Mr. Michael Kleinman representing Phogg Phoundation (Youth Emergency Service). The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmember Cooke, Mayor Pro Tem Goodman, Councilmember
Himmelblau
Noes: None

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION
RESOLUTION

Council had before it for consideration a resolution concerning Equal Employment Opportunity and Affirmative Action.

MR. GABE GUTIERREZ, attorney representing the Mexican-American Coalition, appeared before Council and called attention to the resolution his organization is proposing as opposed to the one prepared by the Legal Department. He said they want a Mexican-American to head up the affirmative action department; parity employment by January 1981 for Mexican-Americans, blacks, women and handicapped; and an effective upward mobility program within the Austin labor market and ranks of City employees. He pointed out that they are not emphasizing in-house promotion, but equal opportunity from outside the City ranks, too.

Mayor McClellan said, "I think you make a valid point on the latter and we can work out something on that, but what I disagree with Gabe, I think it improper to direct the City Manager that the person hired must be a Mexican-American. I think that's probably in violation of the Charter, and everything else, and I also think it pits blacks, Mexican-American, women, one against the other. That's precisely what we don't want to do and I disagree with you on that amendment."

Councilmember Trevino stated, "By inserting this particular ethnic group, the Coalition is once again reminding us that we have been derelict in appointing Mexican-Americans to positions paying \$15,000 and above in the City, and we need to correct it." Councilmember Mullen said that what he is saying has validity and truth to it, but he does not want the City to get boxed into making a mistake in trying to correct the problem. There was more discussion.

Motion

Councilmember Mullen moved that the Council adopt the resolution as prepared by staff. The motion was seconded by Councilmember Cooke.

Friendly Amendment

Mayor McClellan offered a friendly amendment to change "within the City work force" to "within the Austin labor market."

Substitute Motion

Councilmember Trevino made a substitute motion that the Council accept the resolution, as amended, and substitute the phrase "high ranking Mexican-American professional" for "high ranking minority professional." Mayor Pro Tem Goodman seconded the motion.

Mayor McClellan again pointed out that when the Council starts specifying that any position "must be" then there are legal difficulties involved. She said they are all in concert with what they want to get accomplished. Councilmember Trevino said the City staff was instructed last week to get together with the Coalition to come up with a resolution that would be acceptable and now, "After the resolution has been amended, I'm being told by the City Attorney that my substitute motion might be in violation with the City Charter. I don't want to do that, but I don't know how strongly we can say what we mean without violating the City Charter."

Councilmember Cooke stated, "I would go on record saying I would prefer the City Manager seek a minority for the position, but I don't think we can from a resolution dictate that the City Manager will hire a particular ethnic individual for a particular slot in the City."

Mr. Gutierrez said, "I think that even based on the Bakke case, a recent decision by the Supreme Court, and I think where there has been discrimination in the past a pattern of racial discrimination against minorities, that an affirmative action plan or a direction such as this would not be unconstitutional or illegal."

City Attorney Harris stated, "All I'm saying is, neither is it unconstitutional for a City Charter to provide that a City Manager shall hire personnel for the City of Austin. And that's not unconstitutional and that's what our Charter happens to say and I just wanted to make that point clear."

Mr. Davidson, City Manager, said, "I explained, as this group came before the City Council last week that I felt most, if not all of their basic points were well taken and that I felt in the case of the City's affirmative action program that there were some distinct deficiencies in connection with the Mexican-American population. I told you that, Mr. Gutierrez, privately, and I told you that in the Council Chambers. And for you to believe now that there must be some kind of a change in the law for the City Manager to meet the expectations that I feel this Council has in connection with this affirmative action program gives me an additional problem and here's why. I think that this Council probably will tell you that for the most part that once I understand

their intent with regard to a policy adoption, whether it's affirmative action or anything else, that I understand pretty well what they mean, and the deficiencies that they expect to be corrected and I just don't think it's necessary for the City Council to be requested, whether it's a violation of Charter or not, to indicate that kind of specific employment requirement, assuming now that as City Manager I intend to operate on good faith and carry out a program that will correct the deficiencies that you brought to the attention of this Council. I'm telling you, like I told you before, privately and in front of the City Council, that I intend that those deficiencies are going to be corrected and I don't think that it's necessary to even request the Council to consider that kind of amendment to this resolution. If I don't think I can carry out the intent of the resolution on the table this morning in good faith or if you don't think I can, I think we've got a problem. But that ought to be approached in another way rather than trying to amend the resolution in the way that's been suggested. I intend to carry it out in good faith, but I don't think we ought to shackle the position in the manner that's been suggested in this first amendment."

Mr. Harris stated, "Mr. Manager, I would like to apologize for not being able to come up with a resolution that's agreeable to some of the people that we were chosen to work with. On the other hand, I would like to point out, and I think Gabe will admit it, that there was no way, that Gabe, coming from where he's coming from, and our office, representing the entire Council, that we'd ever agreed upon the inclusion of Mexican-American in any phrase of this resolution to the exclusion of all the other minorities that have been brought to our attention by the City Council. And so I just say I think that was an impossible thing to do, that there would never be an agreement between Gabe and my staff because of the particular and specifics that Mr. Gutierrez would like to add in there about Mexican-Americans and I respect his judgment on it but that's not for me to resolve, that's for the City Council to resolve."

Councilmember Trevino said the Mexican-American community of Austin is asking the City to continue to hire blacks, women, handicapped and others. "But, like I said the other night, please don't do it at the exclusion of Mexican-Americans. So, Mr. City Manager, based on the trust I have in you, that you would correct these deficiencies once they are identified, was the reason that I gave my vote of confidence in you. And I still have it, Dan, but I, like many other people are concerned about this and hope the City will move quickly to correct it."

Substitute Motion Withdrawn

Councilmember Trevino withdrew his substitute motion; Mayor Pro Tem Goodman withdrew his second.

Discussion followed concerning the wording of the resolution proposed by the City Legal Department.

Councilmember Snell said he wants the resolution circulated among the black community if Council is going to amend it, because they have already approved the one submitted without the amendments. Mayor McClellan suggested they vote on the resolution today, circulate it and if there are any problems, it will be brought back to Council. Councilmember Snell agreed with this suggestion. He said that he has worked on this program for four years and is finally glad to see the concentration to try to get something the City can work with.

Roll Call on Motion

(To adopt Draft A as submitted by Legal Department of a resolution concerning Equal Employment Opportunity and Affirmative Action with two changes: delete the word "only" in the 6th line in the Be It Further Resolved paragraph; and an amendment to change to "within the Austin labor market.")

Ayes: Councilmember Trevino, Mayor McClellan, Councilmember Cooke,
Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell
Noes: None

RISHER ROACH HISTORIC ZONING
DISCUSSED

MS. ROXANNE WILLIAMSON, ADA SIMON and members of the City Historic Landmark Commission, appeared before Council to discuss Risher Roach, 509-513 East 6th Street. Ms. Williamson expressed her feelings and said she thought it was wrong to set a precedent and grant "H" zoning to the Risher Roach building because the re-building of the facade was not historically correct. There are no pictures of the building as it was originally, hence it is impossible to do a restoration. She said she is concerned with revitalization but feels this is a dangerous precedent to zone Risher Roach "H."

Ms. Ada Simons said she has had extreme confidence in the Landmark Commission and appreciates what they are talking about. She pointed out that when the L. C. Anderson home was submitted for historical zoning, it had been turned down because there had been a fire in the house and in rebuilding the roof line was changed from the original design. Ms. Simons said that if that part of the ordinance is going to be violated and changes will be permitted in structures for historic zoning, it means a gate will be opened and the ordinance will not be held in the high regard that it has been.

MS. INA RAY SMITH appeared before Council to express her concern regarding precedent set by granting historic zoning to the Risher Roach building.

MR. PHILIP CREER, Chairman, Landmark Commission, appeared and told Council he hoped they would reconsider the negative effect of their vote concerning the Risher Roach building.

Councilmember Mullen stated, "I appreciate you-all coming up here. Betty and I agree with you. There was a 5-2 vote on this. Again, it's a misuse of this ordinance. We've seen it several times and we can't do anything about the motion but I would hope the rest of the Council would reconsider." Councilmember Cooke said, "I can do something about the motion in the majority, and I will be looking at the testimony and the information you provided my office."

CAPITAL 10,000 FOOTRACE

Councilmember Cooke moved that the Council approve the request of Ms. Linda Anthony, Reporter, Austin American-Statesman, for permission to have a starting banner hung across the intersection of 15th and Congress, Sunday, March 25, 1979, for Capital 10,000 footrace. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None
Not in Council Chamber when roll was called: Councilmember Snell

ZONING CASE POSTPONED

Councilmember Trevino moved that the Council postpone until April 5, 1979 at 10:00 a.m., Zoning Case No. C14-78-177, originally scheduled for March 29, 1979 (postponement requested by Mr. Clarke Heidrick, Jr., attorney). The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem Goodman, Councilmembers Snell, Cooke

ZONING CASE WITHDRAWN

Councilmember Himmelblau moved that the Council approve the request of Mr. Stephen Jenkins, Agent, Percifull-Waring Development, Inc., for withdrawal of Zoning Application No. C14-79-030, scheduled for March 29, 1979 zoning hearings. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None
Not in Council Chamber when roll was called: Councilmembers Snell, Cooke, Mayor Pro Tem Goodman

VARIANCE REQUESTED

MR. SCOTT DOUGLAS FRENCH appeared before Council to request that a variance be granted on a five (5.00) foot encroachment of a drainage easement by mobile home at Onion Creek Forest. He explained that one corner of his trailer is on the drainage easement. It was speculated when he bought the trailer that the placement might cause an overhang on to the easement. If he moved the trailer he would have to cut several trees which now add to the beauty of his property. Mr. French said he is willing to sign a release waiving liability if he should get washed away in a flood.

Mr. Charles Graves, Director of Engineering, told Council that the area involved is a most serious area according to floodplain predictions. There was some discussion and Mayor Pro Tem Goodman asked if Mr. French waives liability for flood damage, if the variance would be all right with the Engineering Department. Mr. Graves answered that it would be all right with them, but the final decision should come from Mr. Harris, City Attorney.

Mr. Harris stated, "To try to pinpoint what the odds are that a specific flood is going to come along that's just going to get the corner of the trailer house..that's what I really can't speak to, and that would be a case where it would be easy to prove that if the trailer hadn't been out there, it wouldn't have been washed away. In my judgment it is a reduced risk." Mr. Graves said, "That is truly speculative. I guess one of the problems we have with it is that this information was known to the applicant before the trailer was placed and if this sets a precedent that one can place in an easement and then release a needed easement, what happens down the line can be very severe."

Mayor Pro Tem Goodman said, "I don't think, for the most part, that we'd be setting a real precedent. This is a real singular case."

Motion

Mayor Pro Tem Goodman moved that the Council authorize staff to negotiate with Mr. French a license agreement to allow him to encroach upon the easement and that he be required to sign all appropriate documents to relieve the City from any liability. Councilmember Himmelblau seconded the motion.

Mr. Harris said, "Can I make one suggestion. Could we leave it open to whether we negotiate a license agreement or release that portion of the easement and then staff can work out and decide which is in the best interest of the City of Austin and Mr. French?" Mayor Pro Tem Goodman agreed to this. Mr. Harris asked if there is a fee charge for license agreement and/or easement releases. Mr. German, Director of Public Works, stated that there is a \$100.00 processing fee for a license agreement, and no charge for an easement release request. He explained that the license agreement annual fee is based on the fair market value of the property. He said that in some instances the Council waives the fee but does not think it applicable in this case.

Roll Call on Motion Restated

Mayor Pro Tem Goodman moved that the Council authorize staff to negotiate a license agreement or release that portion of the easement; and that Mr. French be required to sign all appropriate documents to relieve the City from any liability. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Goodman, Councilmember Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

DENIAL OF VARIANCE IN WIRING APPEALED

MR. HARRY F. MCKNIGHT appeared before Council to appeal the decision of the Electric Board to deny a variance in wiring requirements on residence used for office located at 4424 Brandt Road, Austin, Texas. He is the attorney for MR. ALBERT BUAAS of Dalmark, Inc., who appeared before the Electric Board on February 28, 1979. Mr. McKnight's presentation was as follows:

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"The background facts of this situation span a number of years. Originally, in 1971, Mr. Buas lived in the above-referenced property as his residence, also using it as a part-time office. The property is located outside the City of Austin, but is within the ETJ. Approximately two (2) years ago, Mr. Buas built a new house and continued to use the old small house on Brandt Road as an office. In the back of the office, he built a new shop.

"Several years ago, Mr. Buas requested that three-phase electricity be wired to the shop in the rear of the property to accommodate a welder and other equipment. At that time, he was told by the City that a new meter to the shop could not be installed because of the existing meter to the office in the front of the property. It was suggested to him at that time that he have the three-phase electricity with new meter wired directly to the shop, with a feed off of the three-phase back to the office. In that manner, the old meter to the office could be taken out.

"Mr. Buas, acting in reliance on this suggestion, installed a new pole, circuit breaker, and everything else necessary for the three-phase to be hooked up to the shop. Everything is presently installed up to standards and is totally acceptable to the City, except for the wiring in the old office on the front of the property. The City Inspector would not approve the hook-up to the new shop in the rear because the old office in the front of the property does not have rigid steel conduit in the walls.

"Mr. Buas explained to the Inspector that the old office actually drew less electricity now than it did when it was a residence. He has taken out three (3) window unit air conditioners and replaced them with one (1) unit with an independent circuit breaker and separate wiring. The house is limitedly used as an office, in that two secretaries are housed there, but is no heavy equipment in the house whatsoever. Therefore, although the house is technically being used as a commercial building, and under the Code would technically require rigid conduit, this requirement would necessitate Mr. Buas's having to tear out all of the existing walls in order to replace the existing wiring and install rigid conduit. This technical requirement would necessitate considerable expenditures on the part of Mr. Buas, even though the conduit is unnecessary as a practical matter.

"The City Inspector has indicated that all of the wiring for the new three-phase hook-up in the rear of the property is totally up to standards, most of it having been placed underground. Therefore, the only objection to hooking up the new three-phase for the shop in the rear of the property, is this technical requirement for conduit in the small office at the front of the property, which was originally a residence.

"Mr. Buas would respectfully request a hearing before the Council on this matter and would request that he be granted a variance to this wiring requirement regarding conduit in the old residence/office."

Discussion ensued between Mr. Lonnie Davis, Director, Building Inspections, Councilmember Cooke, Mayor Pro Tem Goodman and City Attorney Harris concerning the facts in the case. Mr. Davidson, City Manager, suggested Council consider asking Mr. Buas to take his appeal of the Electric Board's decision back to the Board.

Motion

Mayor Pro Tem Goodman moved that the Council vote that the appeal on the decision of the Electric Board to deny a variance in wiring requirements on the residence used for an office located at 4424 Brandt Road, should go back to the Electric Board. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem
Goodman, Councilmembers Himmelblau, Mullen
Noes: None
Not in Council Chamber when roll was called: Councilmembers Snell,
Cooke

TRENCH BURNERS

MS. MARILYN SIMPSON, Coordinator, Austin Neighborhood Council, appeared before Council requesting that a public hearing be held for the purpose of receiving testimony on trench burners. She said that Nash Phillips-Copus has requested a study of trench burners to be used at construction sites in the Austin area. She thought they might be all right if used outside of the City, but felt a pollution problem would evolve if they are allowed use in the City of Austin. It is her contention, as a representative of the Neighborhood Council, that Austin needs to have a positive ordinance banning trench burners.

Mayor McClellan stated, "We will take this request under advisement. Mr. Harris needs to see about Air Control Board regulations, and maybe he can be in contact with the attorney your Council is appointing. And Mr. Harris, as soon as you're ready, please advise us on how we can proceed." Ms. Simpson said their attorney is Mr. Tom Buckle.

MR. GORDON DAVIS, representing Nash Phillips-Copus, said "We would like to respond to that, not necessarily now but whenever we can." Mayor McClellan asked Mr. Harris to also keep close contact with NPC on the subject.

RECESS

Council recessed at 12:05 p.m. and resumed its recessed meeting at 2:05 p.m.

MESAMATE

MS. SUSIE WEIR, member, Mothers' Alliance, appeared before Council to discuss the policy of spraying mesamate on Austin's creek banks and protest the purchase of this chemical. She said, "We are a group of mothers who have become aware of the dangers in our environment that effect the health and well-being of ourselves, our children, and future generations. We address the issue of spraying mesamate on Austin creeks because we firmly believe that the policy is harmful to the health of Austinites and their children." Ms. Weir then presented a full and detailed report on the subject. (COPY IS ON FILE IN THE CITY CLERK'S OFFICE)

MR. DAVID WEIR, environmentalist, appeared before Council to discuss purchase of herbicide mesamate by Parks and Recreation Department and the dangers that the herbicide presents to the water supply. He presented a full and detailed report on the subject. (COPY IS ON FILE IN THE CITY CLERK'S OFFICE)

HUMAN SERVICES ASSOCIATION

MS. JULIE A. SYKORA, President, Austin Area Human Services Association, appeared before Council to discuss recommendations concerning request for proposals for human services. She said some definite concerns have arisen from Association members in reference to the RFP (request for proposals). "There are several points we are concerned with and some of these points are:

1. *Assessment and Evaluation.* The importance of conducting an objective broad based needs assessment as a basis for human services planning is of utmost importance.
2. *Eligibility.* The RFP process has not established any criteria for eligibility. Why the possibility of for-profit vs. non-profit. What justification is there that allows open bidding to all agency entities for delivery of human services?
3. *Quality of Services.* The RFP assures that the quality of service will be more and will be better. How is quality assured? What established criteria is there to evaluate the quality of services provided? If no criteria is established, then how can there be justification in awarding funds on the basis of cost alone?
4. *Cost Effectiveness.* We are all attuned to cost, however, let us not concentrate so heavily on cost effectiveness that we lose sight of the people in need in our community that we are serving. Can it be assured that better and more services will result from awards of contracts to the lowest bidder?
5. *Citizen Participation.* It is our understanding that the Social Policy Advisory Committee was established for a purpose, that purpose being funding entities to coordinate and develop human service policies for the community. What involvement do the whole of SPAC have in participating in the development of the RFP? What input do the human service agencies in the community have in the development of the RFP?
6. *Categories.* Human service agencies have been placed in specific categories, and who developed these categories? It is stated that an allocation of funds will be given to each category and the human service agencies will be competing for the category amount. How is this allocation determined and what implications would result for the community as a whole in merging agencies?

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"In summary, the questions that have been asked, if not answered, will cause serious implications for human services with this funding mechanism. Competition is not questioned, but it is questioned when you have no rules established. The RFP plan appears to be hastily formulated with many figures left unclear. It is our hope that Council will consider these factors and delay the process of the RFP until next year for the good of the entire community and the people that are in need of quality human services."

PUBLIC HEARING - AMENDMENT TO SIGN ORDINANCE

Mayor McClellan opened the public hearing, scheduled for 10:00 a.m. to consider an amendment to the Sign Ordinance relating to flashing sign requirements.

MR. LEE CHOTE, representing StarTex Petroleum, appeared to state that they have ten signs that were put up when the ordinance was passed and their signs have reflectorized light bulbs. He said that if they are required to use non-reflectorized light bulbs as stated in the amendment to the Sign Ordinance, it will diminish the effectiveness of their signs by making the printing unreadable. Mr. Chote pointed out that StarTex has \$40,000 invested in the signs and requested Council to allow them a grandfather clause if the amendment to the ordinance is approved.

MR. BOB MILLER, Sign Task Force, told Council that in looking at the ordinance and recommending the amendment they were eliminating the flashing lights in signs placed at eye level that the public objects to. He said they also eliminated beacons and anything that emulates traffic signals. Mr. Miller said the amendment requests that lighted signs should be 15 feet above the roadway and non-reflectorized lights should be used. Councilmember Himmelblau expressed her thanks to the Task Force for their work.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 3-20(d) AND 3-25(b); REGULATING THE USE OF SIGNS USING INCANDESCENT LAMPS WHICH ARE UNSHIELDED BY A COLORED TRANSLUCENT MATERIAL; REGULATING THE USE OF FLASHING SIGNS, ELECTRONIC STROBE LIGHTS, ROTATING BEACONS; DELETING THE TWENTY-FIVE WATT BULB LIGHT INTENSITY EXEMPTION FOR TIME AND TEMPERATURE SIGNS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers
Himmelblau, Mullen, Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Mayor McClellan

The Mayor Pro Tem announced that the ordinance had been finally passed.

WILD BASIN WILDERNESS RESOLUTION

Councilmember Snell moved that the Council adopt a resolution for the Wild Basin Wilderness that peace and quiet is necessary to protect it as a wilderness. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Goodman, Councilmembers Himmelblau, Mullen, Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino, Mayor McClellan

Councilmember Cooke asked Mayor Pro Tem Goodman the intent of the resolution which he had introduced. Mr. Goodman stated that Loop 360 is under construction and the Highway Department will be asked to look into a feasible noise abatement procedure to assure peace and quiet for the Wild Basin Wilderness.

OLD PECAN STREET ART FAIR

Council had before it a resolution to consider the temporary closing of the 600 block of San Jacinto from 6:00 a.m. to 7:00 p.m., April 14 and 15, 1979, as requested by Marcy Fletcher and Michael Wolverton of the Old Pecan Street Art Fair. Ms. Fletcher said they are requesting the closing so they can use the street as seating for a theater performance (outdoor) at the foot of San Jacinto. She said that the Urban Transportation Department is afraid that even with barricades on 7th Street, cars may turn down San Jacinto and drive into the spectators.

Mr. Joe Ternus, Director of Urban Transportation, appeared before Council and said they do have concern with the use of the street for the purpose requested. Councilmember Mullen suggested they barricade the top of 7th Street and for 50 feet to 100 feet have a barricade of cars as a deterrent to any motorist who may mistakenly try to drive through the top barricade. Mr. Ternus still expressed concern over the safety.

Motion

Councilmember Mullen moved that the Council authorize temporarily closing the 600 block of San Jacinto with a barricade of automobiles for 50 feet down the block, from 6:00 a.m. to 7:00 p.m., April 14 and 16, 1979. The motion was seconded by Mayor Pro Tem Goodman.

Substitute Motion - Died for Lack of Second

Councilmember Cooke offered a substitute motion to block the street at 8th and San Jacinto.

Discussion ensued concerning Mr. Cooke's substitute motion. It was thought this would be feasible but it would be discussed with the church in the area and others. A unanimous decision was made to bring the resolution back on March 29, 1979.

WORK SESSION SET

Councilmembers Cooke and Mullen introduced an item for Council to set a work session as part of the FY 79-80 budget development to review tax rate, revenue sources and levels, wage increase, allocation of General Revenue Sharing, and policy on maintenance or growth of effort in program areas.

It was unanimously agreed, by Council, to set the work session for Wednesday, March 28, 1979, from 4:00 p.m. to 6:00 p.m. in the Conference Room on the first floor of City Hall.

MONTHLY FINANCIAL STATEMENT
PERIOD ENDING JANUARY 31, 1979

Mr. Monty Nitcholas, Director of Finance, presented the monthly financial statement for the period ending January 31, 1979. The following comments were provided as a summary of the report:

I. The General Fund

Fund Balance stands at \$12.8 million, down \$877,000 from the beginning of the year. Last year at January 31, fund balance was \$12.6 million, up \$5.7 million from the beginning of the year.

At this period last year revenues had exceeded expenditures by \$6.3 million. This year expenditures exceeded revenues by \$368,000 during the first four months. This is not surprising however, since total annual expenditures were budgeted to exceed annual revenues by \$5.7 million, utilizing last year's ending available balance as an additional funding source. This should reduce the unusually large ending balance of approximately \$11 million last year to approximately \$5.3 million by the end of 1978-79.

The available cash balance (fund balance reduced by deleting receivables) was \$10.9 million on January 31, 1979.

Revenues are now 45.2% of the budget estimate while last year 47.5% of the annual total had been realized at January 31. Property tax revenue is below last year's percent of total while sales tax and other revenues are above last year's percent of annual total. Revenues have been realized in the amount of \$25.4 million at January 31.

Expenditures for operation totaling \$26.2 million are 34.9% of budget at the end of January. Last year at this time expenditures were 33.3% of the annual total. Areas of percentage averages are, for the most part, in Public Works and Engineering.

II. Medical Assistance Fund

This statement reflects that just over \$1 million has been expended through January 31, while revenues have totaled only \$16,360. Income for the most part is scheduled to come from medicaid reimbursements. Contracts have been completed on these reimbursement payments and revenue should be realized in March or April.

Transfers from the General Fund, not yet commenced, will begin to be accomplished in April to offset the deficit in this fund.

III. The Transit Fund

This fund reflects net cost to the City at January 31 of \$1 million. Transfers from the General Fund will begin in April to help offset this deficit and UMTA grant monies will begin flowing into the fund in March and April. The expense of \$1.2 million is in line with the budgeted cost estimates at this time.

IV. Revenue Sharing Fund

Two entitlement periods of grant revenues have been received and transfers to operating funds as budgeted will begin in April.

V. Capital Project Funds

These funds currently have \$16.1 million in cash or equivalent funds, \$10.2 million in approved grant funds, and \$68.2 million in unissued bonds. Net appropriations are \$57.8 million leaving a fund balance of \$36.6 million on January 31.

There are some specific project adjustments that are required but not yet booked in the Library, Vehicle Services, and Auditorium projects. Most of the adjustments are for incorrect encumbrances that will reduce the net appropriations, thereby increasing the fund balance. Research is underway on these particular accounts and corrections should reflect on the February report.

VI. Hospital Fund

Revenues appear to be slightly exceeding budget estimate at this time, being \$9.5 million or 34.7% of the annual estimate.

Expense of \$9.9 million is also slightly over annual budget estimates being 34.6% of the appropriation. Net loss or deficit from operation during these first four months stands at \$416,000.

VII. Airport Fund

The Airport Fund shows a net income from operations before depreciation expense, of \$209,696. Revenues of \$621,219 have been realized (30.7% of annual estimate) while operating expense is 26.7% of annual appropriations and total \$411,523. Expense last year at this time totaled 25.4% of annual total, which indicates expense may be slightly exceeding last year's pace. The fund is in good financial position and indications are that it will remain in that posture.

VIII. Auditorium and Convention Center Fund

Before transfers and depreciation, this fund reflects a \$73,208 net income. Revenues of \$486,186 including Hotel/Motel Tax, are 34.1% of budget while operating costs (excluding promotion) are \$250,897, some 33.9% of annual appropriation. Year to date figures appear to be consistent with projected annual totals.

IX. Golf Course Fund

The Golf Courses have expended \$130,560 more than the revenues produced during the first four months of the fiscal year. Revenues are down \$5,950 from last year while expenses are up \$8,805. Expenses, however, are only 30.8% of the appropriated amount. Since this operation is highly seasonal, it is too early to make realistic projections.

X. The Utility Fund

The net income before depreciation and bond interest for the first four months is \$18.9 million, within \$100,000 of last January's figure. Electric revenues which include one summer month (October) and three winter months, total \$41.9 million, \$300,000 above last year's January total. Water and Wastewater revenues are down \$700,000 and \$200,000 respectively from last year same period, most likely due to weather conditions. Total revenue of the system to date this year is \$51.5 million, compared to \$52.3 million last year, down \$800,000 overall.

Expense in the Electric operation is \$1.3 million under last year at this time and totals \$27.9 million. Last year, the expensing of recoverable fuel cost, which was spread over a six month period, included portions of the higher summer months, while this year the fuel cost expense applies to the same period in which it was used. This results in a distortion when attempting comparative analysis.

Expense in the Water and Wastewater operations reflect higher percentage of annual appropriations than existed at this time last year, the major factor being the electric expense in operating the distribution and treatment facilities.

XI. Utility Fund CIP

The status of CIP funds appear in order with the STP account reflecting \$5.8 million in adjusted fund balance. This is the amount paid for fuel with system revenues. Official adjustments in appropriations levels have not yet been made to offset this balance.

In the "Other Electric" column, formal appropriations have not been made for the balance of Fayette I and II. There has been appropriated some \$171.6 million, leaving \$43.4 million to be appropriated in the future for Fayette generation project.

Councilmember Mullen requested a report on the expenditures for Human Services and also a report on the figure of 47% in bad debt for Brackenridge Hospital.

Mr. Nitchoolas informed Council that an electric rate analysis is being compiled and will soon be ready for a report to them. He said, "We are into our 12th month with the new rate and we have a lot of numbers together. I was hoping I'd have a report ready for you today, but hopefully, within the next week to ten days we'll be able to report to you on how we're doing based on what the Touche Ross projections were and what qualifications we have to put in yet to make it fit."

Councilmember Himmelblau asked for a report on how much of the Brackenridge Hospital bad debt is out of county.

DEVELOPMENT OF REQUESTS FOR PROPOSALS FOR HUMAN SERVICES

Mr. Buck Apelt, Acting Director, Human Services, said that in response to Mayor McClellan's request last fall they have been working on a draft of Request for Proposals for the solicitation of proposals for the provision of human services. This would be a modification to the procedure presently used...receiving and reviewing applications from agencies who provide these services. He said the documents submitted so far are only drafts and at this point want some kind of guidance from Council.

Mayor McClellan said it was her understanding that in order to do something like this successfully one would need to have started last fall. She said the concept is a good one but is concerned about the timetable right now. Mr. Apelt commented, "The format we are using is a re-ordering of the types of information that we request on the application anyway. They are not overly technical and would substitute for the narrative section of the standard application package which HSRT would be reviewing." Councilmember Mullen said that he and Councilmember Trevino are members of the SPAC Committee and said they made a commitment to the committee to bring this back to them to see if they want to become involved before we jump into it."

After discussion it was unanimously decided the modification to the present procedure used will need more time than there is now in order to do it correctly. The Mayor said, "We better do it all now if we're going to gear it up for next budget year." Mr. Davidson said, "This is precisely the kind of

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guidance we need." Mr. Apelt told Council that they are prepared to go out with the standard type of application package which they have used in the past. He said they are now working with consultants on needs assessments to come up with some basic needs data which can be incorporated into these RFP's with more time.

It was the consensus of Council that staff proceed with current procedures until such time as the new procedure can be worked out.

ADJOURNMENT

Council adjourned its meeting at 3:50 p.m.

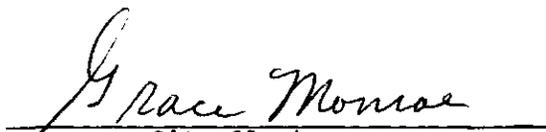
APPROVED



Corda Keeler McClellan

Mayor

ATTEST:



Grace Monroe

City Clerk